

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DONALD G. DENKINGER, et al.,

Plaintiffs,

vs.

JAMES D. CLARK, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

8:05CV344

ORDER

This matter is before the court on the parties' Joint Motion [61] to modify the final progression order [51]. For good cause shown, the court finds that the motion should be granted; however, counsel are advised that, due to the length of time the case has been pending, no other substantial extensions of time will be granted.

IT IS ORDERED that the parties' Joint Motion [61] is granted, and the Final Progression Order [51] is amended, as follows:

1. All depositions, whether or not they are intended to be used at trial, shall be completed by September 4, 2007;

2. Deadlines for disclosure of expert witnesses:

a. All parties will disclose experts, without reports, by February 15, 2007;

b. The Plaintiffs shall as soon as practicable, but not later than March 30, 2007, serve the Defendants with the statement required by Fed. R. Civ. P. 26(a)(2) regarding expert witness it expects to testify at trial pursuant to the provisions of Rules 702, 703 or 705 of the Federal Rules of Evidence;

c. The Defendants shall serve the Plaintiffs with its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705 of the Federal Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but no later than April 30, 2007;

d. Plaintiffs shall serve the Defendants with its rebuttal experts on or before May 15, 2007; and

- e. Third-Party Defendant shall disclose its expert opinions on or before June 15, 2007 and all rebuttal experts shall be disclosed with reports on or before July 2, 2007.

If necessary to refute the disclosed opinions of an expert witness of an opponent, a party may disclose additional expert witnesses not later than fifteen (15) days prior to the date set for completion of all depositions, provided the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of depositions.

3. Pretrial Disclosures.

- a. Nonexpert Witnesses – on or before September 23, 2007;
- b. Deposition Testimony and Discovery – on or before September 23, 2007; and
- c. Trial Exhibits – on or before September 23, 2007.

4. Motions in Limine.

- a. *Daubert* Motions: any motion in limine challenging the admissibility of testimony of an expert witness under Rule 702 shall be filed on or before October 1, 2007;
- b. Any other motions in limine shall be filed not later than October 1, 2007.

- 5. All motions for summary judgment shall be filed on or before August 2, 2007.

- 6. The Final Pretrial Conference is continued from May 10, 2007 to **October 11, 2007 at 9:00 a.m.**

- 7. The Jury Trial set for June 5, 2007 is continued to **November 13, 2007.**

DATED October 5, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**